

LEBANON BOARD OF ZONING APPEALS MEETING
MONDAY, MAY 5, 2008

TO: ALL COMMISSION MEMBERS
FROM: RECORDING SECRETARY
SUBJECT: MINUTES TO MEETING

Chairman Bob Duff called the meeting to order. Jim McVey was absent from the meeting. Minutes to the April meeting were approved.

The first item on the agenda was Gabriel Metals Properties requesting a Use Variance to permit a scrap metal processing and recycling operation and to permit outdoor storage to be located at 616 Ransdell Road. This property is Zoned ID-Industrial District. This property is in the Interstate Overlay District. Kent Frandsen and Matt McKinney were present for the meeting. The applicant stated that he is proposing to expand his business and purchase another property in Lebanon on Ransdell Road. This property is currently vacant and has many property challenges that do not make it viable for sale. There is a 60-foot sanitary main that runs down the middle of the property from north to south. The plan is to pour concrete in the area that is currently graveled and set four dumpsters on the site with a scale and scale house. The property will have an 8-foot privacy fence and landscaping around the perimeter of the lot. The dumpsters would be stored outside not under roof. The parking would be inside the fence area. The drive would provide access for trucks/semis to come into the site pull up on the scale and turn back out towards the dumpster unload and pull out of the site. There will be a crane on site to pick up large materials to set them in the dumpsters. There will be no materials stored on the ground for a long period of time. Mr. McKinney commits that he will not leave materials on the ground. The dumpsters would be filled and empty weekly the production is based on how full the dumpsters get. The business has approximately 30 dumpsters that are used in the fields that are contracted out. The applicant has provided three letters from the neighbors of Commercial Air, Laminque, and Kauffman Engineering in favor of the business. Mr. McKinney stated that there would not be any noise associated with the business. Proof of publication was given and notice to neighboring property owners was given. Kyle Powell with Colliers Turley and Martin is the real estate agent for the property and stated that the property has been hard to sell due to the large easement in the middle of the property. Behavior Corp. director Larry Brick stated that he was concerned about the safety of the traffic additional truck traffic, dust, the aesthetic appearance of the business in relationship to the neighbors. Behavior Corp. just did a lot of remodeling and aesthetic changes to improve property and does not want property values to decline from this business. Mr. McKinney stated that the dust will decrease with his business because he will be concreting the lot and it is currently gravel. Rob Bevington made a motion to grant the use variance to permit the business in the Overlay District. Bruce Pauley seconded the motion. Motion granted. Bruce Pauley made a motion to grant the use variance to permit the outdoor storage. George Piper seconded the motion. Motion granted.

The second item on the agenda was Goodwill Stores requesting Variances for not installing perimeter and internal sidewalks, exceeding 50% of the parking in the front yard, required plating of landscaping adjacent to the building, required façade recesses and projections, required textured pre-cast concrete instead of smooth, required 75% transparent front façade. This property is located at 2480 N. Lebanon Street. This property is Zoned PBC- Planned Business Commercial. This property is in the Thoroughfare Overlay District. Blaine Paul with Duke Construction was present for the meeting. Duke will be the general contractor on the project. The project has been reviewed by TAC and from that meeting the plans have changed considerably. The entrance has been designed to meet INDOT specifications. Plans to INDOT have been submitted applicant is waiting for a permit. The project requires fill to elevate the site because the property sits very low. The applicant stated that the request for variance from installing sidewalks is due to safety concerns there are no other sidewalks along their side of the road and limited across the street, they did not want to install sidewalks and have people try to cross the road to get to the sidewalk. The sidewalk would go nowhere. The request for foundation plantings is from the factor that the land is very flat and this creates a problem for plants to grow in a location next to the building it also creates a design issue. The applicant would rather take the required plantings that would be along the building and place them on the site in other location so they would meet the requirement just not place them along the building. The requirement for parking 50% in the front yard, due to the narrow lot it would make it difficult to fit parking on the side of the lot and retail development does not find it favorable for customers to

park in the back of the store and walk to the front entrance. The building material is required to be textured and the bottom part of the building is textured but the top part is smooth which gives the building a nice feature to break the building up and give some character. There is also a 75% transparent front façade requirement that requires the building front to have some glass on it. The building is designed on the outside to accommodate what is being done for displays on the inside of the building. There is a large racking system that Goodwill uses to display the merchandise so they would want this in front of a window. This is also true with the façade recess and projection the code stated for every 90-feet there needs to be 2-foot bump out, this also restricts the design on the inside of the building for the displays. The board agreed that they would want the developer to install sidewalks with the development. No comment from audience. Bruce Pauley made a motion to deny the variance for sidewalks. Rob Bevington seconded the motion. Motion denied. George Piper made a motion to grant a variance to permit more than 50% parking in the front yard. Bruce Pauley seconded the motion. Motion granted. George Piper made a motion to grant the landscape variance. Rob Bevington seconded the motion. Motion granted. Bruce Pauley made a motion to grant the variance for the three façade issues. Rob Bevington seconded the motion. Motion granted. Blaine Paul stated that the plans would be revised to show a sidewalk.

The third item on the agenda was Home National Bank requesting lot size variance for lot 2. The minimum lot size allowed is 1.5-acres lot 2 is 0.8- acres. This property is Zoned PBC- Planned Business Commercial. This property is in the Thoroughfare overlay District. Kent Frandsen was present for the meeting. Mr. Frandsen stated that this is the second appearance for the project the applicant was present at last month's meeting to receive a Variance to allow lot 1 of the project to reduce the lot size; this leaves lot 2 with a nonconforming use. In order to plat the project lot 2 must have a variance to reduce the lot size as well. Notice to neighboring property owners was given, and proof of publication. The variance is only to approve the size of the lot not approving any use that may happen to go on the lot. When the lot is sold the applicant will have to go through the same process for development that Home National Bank has done. Rob Bevington made a motion to grant the variance for lot 2 to be .8-acres. George Piper seconded the motion. Motion granted.

The fourth item on the agenda was Regency Commercial Associates requesting a Variance to relocate an ATM structure in the Village North Shopping Center parking lot. This property is Zoned PBC- Planned Business Commercial. This property is in the Thoroughfare Overlay District. Jim Wittman and Ryan Deeg with Regency Properties were present for the meeting. There is currently an ATM machine in the parking lot of Village North shopping center is has been at this location for about 20-years. In planning for the upcoming construction of the super WalMart this area will become a staging area for the preparation of the construction a new road will be installed and this will create a safety issue for the ATM. Regency plans to move the ATM to the north east side of the parking lot up against the curb to get it out of the traffic and for easy access. Charlie Campbell stated that this seems logical to move it and he sees no problem with the location. Rob Bevington made a motion to grant the variance to relocate the ATM. Bruce Pauley seconded the motion. Motion granted.

The fifth item on the agenda was Regency Commercial Associates requesting a Variance for an off premise sign, 15-foot height and 145.80-square foot. This request is for a multi-tenant sign at Village North Shopping Center. This property is Zoned PBC- Planned Business Commercial. This property is in the Thoroughfare Overlay District. The permitted multi-tenant sign is 12-feet in height and 48 square feet. Jim Wittman and Ryan Deeg with Regency Properties were present for the meeting. Regency Properties has received a 20-foot by 30-foot easement from WalMart for the multi tenant sign. The sign will be in an easement but not on Regency's property. The multi tenant's sign is to accommodate the existing strip center, WalMart and the future center that Regency proposes to construct when the future WalMart is built. Mr. Wittman explained that this center will be the prominent shopping center for Lebanon and the signage should be significant. The sign will also be located on the main thoroughfare and the shops want the visibility from the street. Mr. Wittman also stated that Regency owns the Northfield Shopping Center and they received a variance last year for their sign which is 24-feet tall; Regency feels that since this complex is going to have many more merchants that the sign should be larger. There are two out lots along 39 that would be allowed their own signage; Regency has stated that the signage at this height would allow for the two out lots to advertise on the sign. The existing WalMart will come down with the installation of the new sign. Charlie Campbell stated that signage was a major concern of the visionaries of Lebanon they addressed the issue in the comprehensive plan and enforced it in the UDO; Charlie stated he was not in favor of a larger sign. Bob Duff asked if the applicant was willing to scale down the sign. Regency stated that the sign

should be larger than what is already in the area and that retailers want a sign by the road for visibility. Jim Morog stated that he was not in favor of large signs the sign at Northfield shopping center is too much Lebanon has allowed too many large signs it is time to stick to the ordinance and not allow larger signs. Bruce Pauley commented that other communities have smaller signs and have large retail business that do just fine. George Piper stated that the sign should be decreased to try to better meet the ordinance standards. Rob Bevington made a motion to grant a 25-foot height and the sign area to be no more than 193.8 sq. ft. Bob Duff seconded the motion. George Piper and Bruce Pauley oppose. Motion does not pass. George Piper made a motion to grant a 19-foot height and the sign area to be no more than 190 square feet. Bob Duff seconded the motion. Bruce Pauley opposes. Motion granted. George Piper made a motion to grant the sign to be off premise in the easement designated for the sign; the easement should be recorded. Rob Bevington seconded the motion. Motion granted.

The sixth item on the agenda was Clinton Hayes requesting a 12-foot Variance to construct a 40'x28' garage on his property located at 703 N. Meridian Street. This property is Zoned SF-3. The required setback is 25-feet. Mr. Hayes has to amend his application to include other variances needed for the project he plans to be at next month's meeting.

The seventh item on the agenda was Annette Shaver requesting a 45-foot side setback Variance to construct a room addition within 5-feet of the property line. This property is located at 810 W. Washington Street. This property is Zoned MF- Multi family. The required setback is 50-feet. Mrs. Shaver was present for the meeting. The proposed addition is to construct a master bedroom and bathroom. Currently the house only has 1 bathroom and 2 bedrooms; it is one of the smallest homes on the block. The family has two teenage boys who need their own room and need extra space. The addition should make the property more valuable and increase the value of the neighboring properties as well. Charlie Campbell stated that the zoning classification the property is in is restricting them to improve the property. Charlie stated he did not have a problem with the project. Notice to neighboring property owners were given, and proof and publication. No Comments from the audience. George Piper made a motion to grant the variance request. Rob Bevington seconded the motion. Motion granted.

The eighth item on the agenda was Roy Gaha requesting Variances for 2 lots not meeting the minimum required of 1.5-acres lot size and lot 2 not having immediate access to street frontage. This property is Zoned PBC- Planned Business Commercial. This property is in the Thoroughfare Overlay District. Will Johnson was present for the meeting to present plans for Roy Gaha. Currently Mr. Gaha's parcel is one with two separate businesses on the lot. Mr. Gaha plans to separate the lots. The lot sizes do not meet the current standards for the zoning. Lot 1 is .44-acres and lot 2 is .67-acres. Lot 2 will be accessed from an easement at State Road 39 which is how people access the storage facilities at the west of the property currently. All parcels are required to have street frontage so this affects lot 2 and requires a variance. This property is in the Thoroughfare Overlay District and requires all structures to have a minimum height of 20-feet. The proposed storage buildings will be the same height as the existing building which is about 11-feet. For lot 2 the proposed storage will be expanded the applicant wants to build 2 more buildings. One of the buildings would need a setback variance to allow the building to site closer to the property line than is allowed. The side setback requirement is 10-feet and the proposed building would be 7 ½- feet from the property line. There is an existing building to the west and the space between the two buildings has to be 25-feet for fire department access, so this requires the building to be located closer to the property line. Rob Bevington made a motion to approve the 2 ½ -foot side setback variance for the proposed storage building. Bruce Pauley seconded the motion. Motion granted. Bruce Pauley made a motion to approve the reduced lot sizes for lot 1 and lot 2. Rob Bevington seconded the motion. Motion granted. George Piper made a motion to grant the 9-foot height variance for the proposed storage building, so the proposed buildings are the same height as the current buildings. Bruce Pauley seconded the motion. Motion granted.

The ninth item on the agenda was Pikes Martial Arts Academy requesting a Use Variance to operate at 1334 W. Main Street. This property is Zoned ID- Industrial District. This use is not permitted in the zoning classification. Kathy Pike was present for the meeting. Mrs. Pike stated that her business was relocating and found this property which is large enough to accommodate her business. Currently the property is vacant. The building is 13,000 sq. ft. There are adequate parking spaces in the front of the building. Hours of operation would be 4:30-8:30 p.m. thru the week. The road from W. Main Street is private to building. Bruce Pauley made the motion to grant the Use Variance. George Piper seconded the motion. Motion granted.

The tenth item on the agenda was the Board of Zoning Appeals Rules of Procedure. The board agreed that they would review the rules further and discuss it at the June meeting.

Meeting Adjourned.

Submitted by Recording Secretary
Kristi Spencer

Chairman, Robert Duff

Secretary, Rob Bevington